
SUBSTITUTE HOUSE BILL 1727

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By House Committee on Local Government (originally sponsored by Representatives Springer, Eddy, Dunn, Pettigrew, B. Sullivan, Buri, Strow, Ahern, Orcutt, Takko, Anderson, Haler, Upthegrove, Simpson, Jarrett, Rodne, Sells, O'Brien, Newhouse, Miloscia, Hinkle, Walsh, McCune, Kagi, Williams, Lovick, Linville, Quall, McDonald, Warnick, Kristiansen, Hurst, Seaquist, Kenney and P. Sullivan)

READ FIRST TIME 02/27/2007.

1 AN ACT Relating to growth management planning to ensure sufficient
2 land and densities available to accommodate growth; and amending RCW
3 36.70A.070, 36.70A.090, and 36.70A.110.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 36.70A.070 and 2005 c 360 s 2 are each amended to read
6 as follows:

7 The comprehensive plan of a county or city that is required or
8 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
9 and descriptive text covering objectives, principles, and standards
10 used to develop the comprehensive plan. The plan shall be an
11 internally consistent document and all elements shall be consistent
12 with the future land use map. A comprehensive plan shall be adopted
13 and amended with public participation as provided in RCW 36.70A.140.

14 Each comprehensive plan shall include a plan, scheme, or design for
15 each of the following:

16 (1) A land use element designating the proposed general
17 distribution and general location and extent of the uses of land, where
18 appropriate, for agriculture, timber production, housing, commerce,
19 industry, recreation, open spaces, general aviation airports, public

1 utilities, public facilities, and other land uses. The land use
2 element shall include population densities, building intensities, and
3 estimates of future population growth, and shall designate a sufficient
4 quantity of land suitable for development to accommodate projected
5 population and anticipated commercial and industrial land use growth.
6 The land use element shall provide for protection of the quality and
7 quantity of ground water used for public water supplies. Wherever
8 possible, the land use element should consider utilizing urban planning
9 approaches that promote physical activity. Where applicable, the land
10 use element shall review drainage, flooding, and storm water run-off in
11 the area and nearby jurisdictions and provide guidance for corrective
12 actions to mitigate or cleanse those discharges that pollute waters of
13 the state, including Puget Sound or waters entering Puget Sound.

14 (2) A housing element ensuring the availability of a variety of
15 residential densities and housing types and the vitality and character
16 of established residential neighborhoods that: (a) Includes an
17 inventory and analysis of existing and projected housing needs that
18 identifies the number of housing units necessary to ((manage))
19 accommodate projected growth; (b) includes a statement of goals,
20 policies, objectives, and mandatory provisions for the preservation,
21 improvement, and development of housing, including single-family
22 residences; (c) identifies a sufficient quantity of zoned land suitable
23 for providing the needed housing units to accommodate existing housing
24 needs and projected population growth, including, but not limited to,
25 government-assisted housing, housing for low-income families,
26 manufactured housing, multifamily housing, and group homes and foster
27 care facilities; and (d) makes adequate provisions for existing and
28 projected needs of all economic segments of the community.

29 (3) A capital facilities plan element consisting of: (a) An
30 inventory of existing capital facilities owned by public entities,
31 showing the locations and capacities of the capital facilities; (b) a
32 forecast of the future needs for such capital facilities; (c) the
33 proposed locations and capacities of expanded or new capital
34 facilities; (d) at least a six-year plan that will finance such capital
35 facilities within projected funding capacities and clearly identifies
36 sources of public money for such purposes; and (e) a requirement to
37 reassess the land use element if probable funding falls short of
38 meeting existing needs and to ensure that the land use element, capital

1 facilities plan element, and financing plan within the capital
2 facilities plan element are coordinated and consistent. Park and
3 recreation facilities shall be included in the capital facilities plan
4 element.

5 (4) A utilities element consisting of the general location,
6 proposed location, and capacity of all existing and proposed utilities,
7 including, but not limited to, electrical lines, telecommunication
8 lines, and natural gas lines.

9 (5) Rural element. Counties shall include a rural element
10 including lands that are not designated for urban growth, agriculture,
11 forest, or mineral resources. The following provisions shall apply to
12 the rural element:

13 (a) Growth management act goals and local circumstances. Because
14 circumstances vary from county to county, in establishing patterns of
15 rural densities and uses, a county may consider local circumstances,
16 but shall develop a written record explaining how the rural element
17 harmonizes the planning goals in RCW 36.70A.020 and meets the
18 requirements of this chapter.

19 (b) Rural development. The rural element shall permit rural
20 development, forestry, and agriculture in rural areas. The rural
21 element shall provide for a variety of rural densities, uses, essential
22 public facilities, and rural governmental services needed to serve the
23 permitted densities and uses. To achieve a variety of rural densities
24 and uses, counties may provide for clustering, density transfer, design
25 guidelines, conservation easements, and other innovative techniques
26 that will accommodate appropriate rural densities and uses that are not
27 characterized by urban growth and that are consistent with rural
28 character.

29 (c) Measures governing rural development. The rural element shall
30 include measures that apply to rural development and protect the rural
31 character of the area, as established by the county, by:

- 32 (i) Containing or otherwise controlling rural development;
- 33 (ii) Assuring visual compatibility of rural development with the
34 surrounding rural area;
- 35 (iii) Reducing the inappropriate conversion of undeveloped land
36 into sprawling, low-density development in the rural area;
- 37 (iv) Protecting critical areas, as provided in RCW 36.70A.060, and
38 surface water and ground water resources; and

1 (v) Protecting against conflicts with the use of agricultural,
2 forest, and mineral resource lands designated under RCW 36.70A.170.

3 (d) Limited areas of more intensive rural development. Subject to
4 the requirements of this subsection and except as otherwise
5 specifically provided in this subsection (5)(d), the rural element may
6 allow for limited areas of more intensive rural development, including
7 necessary public facilities and public services to serve the limited
8 area as follows:

9 (i) Rural development consisting of the infill, development, or
10 redevelopment of existing commercial, industrial, residential, or
11 mixed-use areas, whether characterized as shoreline development,
12 villages, hamlets, rural activity centers, or crossroads developments.

13 (A) A commercial, industrial, residential, shoreline, or mixed-use
14 area shall be subject to the requirements of (d)(iv) of this
15 subsection, but shall not be subject to the requirements of (c)(ii) and
16 (iii) of this subsection.

17 (B) Any development or redevelopment other than an industrial area
18 or an industrial use within a mixed-use area or an industrial area
19 under this subsection (5)(d)(i) must be principally designed to serve
20 the existing and projected rural population.

21 (C) Any development or redevelopment in terms of building size,
22 scale, use, or intensity shall be consistent with the character of the
23 existing areas. Development and redevelopment may include changes in
24 use from vacant land or a previously existing use so long as the new
25 use conforms to the requirements of this subsection (5);

26 (ii) The intensification of development on lots containing, or new
27 development of, small-scale recreational or tourist uses, including
28 commercial facilities to serve those recreational or tourist uses, that
29 rely on a rural location and setting, but that do not include new
30 residential development. A small-scale recreation or tourist use is
31 not required to be principally designed to serve the existing and
32 projected rural population. Public services and public facilities
33 shall be limited to those necessary to serve the recreation or tourist
34 use and shall be provided in a manner that does not permit low-density
35 sprawl;

36 (iii) The intensification of development on lots containing
37 isolated nonresidential uses or new development of isolated cottage
38 industries and isolated small-scale businesses that are not principally

1 designed to serve the existing and projected rural population and
2 nonresidential uses, but do provide job opportunities for rural
3 residents. Rural counties may allow the expansion of small-scale
4 businesses as long as those small-scale businesses conform with the
5 rural character of the area as defined by the local government
6 according to RCW 36.70A.030(~~((+14))~~) (15). Rural counties may also
7 allow new small-scale businesses to utilize a site previously occupied
8 by an existing business as long as the new small-scale business
9 conforms to the rural character of the area as defined by the local
10 government according to RCW 36.70A.030(~~((+14))~~) (15). Public services
11 and public facilities shall be limited to those necessary to serve the
12 isolated nonresidential use and shall be provided in a manner that does
13 not permit low-density sprawl;

14 (iv) A county shall adopt measures to minimize and contain the
15 existing areas or uses of more intensive rural development, as
16 appropriate, authorized under this subsection. Lands included in such
17 existing areas or uses shall not extend beyond the logical outer
18 boundary of the existing area or use, thereby allowing a new pattern of
19 low-density sprawl. Existing areas are those that are clearly
20 identifiable and contained and where there is a logical boundary
21 delineated predominately by the built environment, but that may also
22 include undeveloped lands if limited as provided in this subsection.
23 The county shall establish the logical outer boundary of an area of
24 more intensive rural development. In establishing the logical outer
25 boundary the county shall address (A) the need to preserve the
26 character of existing natural neighborhoods and communities, (B)
27 physical boundaries such as bodies of water, streets and highways, and
28 land forms and contours, (C) the prevention of abnormally irregular
29 boundaries, and (D) the ability to provide public facilities and public
30 services in a manner that does not permit low-density sprawl;

31 (v) For purposes of (d) of this subsection, an existing area or
32 existing use is one that was in existence:

33 (A) On July 1, 1990, in a county that was initially required to
34 plan under all of the provisions of this chapter;

35 (B) On the date the county adopted a resolution under RCW
36 36.70A.040(2), in a county that is planning under all of the provisions
37 of this chapter under RCW 36.70A.040(2); or

1 (C) On the date the office of financial management certifies the
2 county's population as provided in RCW 36.70A.040(5), in a county that
3 is planning under all of the provisions of this chapter pursuant to RCW
4 36.70A.040(5).

5 (e) Exception. This subsection shall not be interpreted to permit
6 in the rural area a major industrial development or a master planned
7 resort unless otherwise specifically permitted under RCW 36.70A.360 and
8 36.70A.365.

9 (6) A transportation element that implements, and is consistent
10 with, the land use element.

11 (a) The transportation element shall include the following
12 subelements:

13 (i) Land use assumptions used in estimating travel;

14 (ii) Estimated traffic impacts to state-owned transportation
15 facilities resulting from land use assumptions to assist the department
16 of transportation in monitoring the performance of state facilities, to
17 plan improvements for the facilities, and to assess the impact of land-
18 use decisions on state-owned transportation facilities;

19 (iii) Facilities and services needs, including:

20 (A) An inventory of air, water, and ground transportation
21 facilities and services, including transit alignments and general
22 aviation airport facilities, to define existing capital facilities and
23 travel levels as a basis for future planning. This inventory must
24 include state-owned transportation facilities within the city or
25 county's jurisdictional boundaries;

26 (B) Level of service standards for all locally owned arterials and
27 transit routes to serve as a gauge to judge performance of the system.
28 These standards should be regionally coordinated;

29 (C) For state-owned transportation facilities, level of service
30 standards for highways, as prescribed in chapters 47.06 and 47.80 RCW,
31 to gauge the performance of the system. The purposes of reflecting
32 level of service standards for state highways in the local
33 comprehensive plan are to monitor the performance of the system, to
34 evaluate improvement strategies, and to facilitate coordination between
35 the county's or city's six-year street, road, or transit program and
36 the department of transportation's six-year investment program. The
37 concurrency requirements of (b) of this subsection do not apply to
38 transportation facilities and services of statewide significance except

1 for counties consisting of islands whose only connection to the
2 mainland are state highways or ferry routes. In these island counties,
3 state highways and ferry route capacity must be a factor in meeting the
4 concurrency requirements in (b) of this subsection;

5 (D) Specific actions and requirements for bringing into compliance
6 locally owned transportation facilities or services that are below an
7 established level of service standard;

8 (E) Forecasts of traffic for at least ten years based on the
9 adopted land use plan to provide information on the location, timing,
10 and capacity needs of future growth;

11 (F) Identification of state and local system needs to meet current
12 and future demands. Identified needs on state-owned transportation
13 facilities must be consistent with the statewide multimodal
14 transportation plan required under chapter 47.06 RCW;

15 (iv) Finance, including:

16 (A) An analysis of funding capability to judge needs against
17 probable funding resources;

18 (B) A multiyear financing plan based on the needs identified in the
19 comprehensive plan, the appropriate parts of which shall serve as the
20 basis for the six-year street, road, or transit program required by RCW
21 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795
22 for public transportation systems. The multiyear financing plan should
23 be coordinated with the ((~~six-year~~)) ten-year improvement program
24 developed by the department of transportation as required by RCW
25 47.05.030;

26 (C) If probable funding falls short of meeting identified needs, a
27 discussion of how additional funding will be raised, or how land use
28 assumptions will be reassessed to ensure that level of service
29 standards will be met;

30 (v) Intergovernmental coordination efforts, including an assessment
31 of the impacts of the transportation plan and land use assumptions on
32 the transportation systems of adjacent jurisdictions;

33 (vi) Demand-management strategies;

34 (vii) Pedestrian and bicycle component to include collaborative
35 efforts to identify and designate planned improvements for pedestrian
36 and bicycle facilities and corridors that address and encourage
37 enhanced community access and promote healthy lifestyles.

1 (b) After adoption of the comprehensive plan by jurisdictions
2 required to plan or who choose to plan under RCW 36.70A.040, local
3 jurisdictions must adopt and enforce ordinances which prohibit
4 development approval if the development causes the level of service on
5 a locally owned transportation facility to decline below the standards
6 adopted in the transportation element of the comprehensive plan, unless
7 transportation improvements or strategies to accommodate the impacts of
8 development are made concurrent with the development. These strategies
9 may include increased public transportation service, ride sharing
10 programs, demand management, and other transportation systems
11 management strategies. For the purposes of this subsection (6)
12 "concurrent with the development" shall mean that improvements or
13 strategies are in place at the time of development, or that a financial
14 commitment is in place to complete the improvements or strategies
15 within six years.

16 (c) The transportation element described in this subsection (6),
17 and the six-year plans required by RCW 35.77.010 for cities, RCW
18 36.81.121 for counties, and RCW 35.58.2795 for public transportation
19 systems, and the ten-year plan required by RCW 47.05.030 for the state,
20 must be consistent.

21 (7) An economic development element establishing local goals,
22 policies, objectives, and provisions for economic growth and vitality
23 and a high quality of life. The element shall include: (a) A summary
24 of the local economy such as population, employment, payroll, sectors,
25 businesses, sales, and other information as appropriate; (b) a summary
26 of the strengths and weaknesses of the local economy defined as the
27 commercial and industrial sectors and supporting factors such as land
28 use, transportation, utilities, education, work force, housing, and
29 natural/cultural resources; and (c) an identification of policies,
30 programs, and projects to foster economic growth and development and to
31 address future needs. A city that has chosen to be a residential
32 community is exempt from the economic development element requirement
33 of this subsection.

34 (8) A park and recreation element that implements, and is
35 consistent with, the capital facilities plan element as it relates to
36 park and recreation facilities. The element shall include: (a)
37 Estimates of park and recreation demand for at least a ten-year period;

1 (b) an evaluation of facilities and service needs; and (c) an
2 evaluation of intergovernmental coordination opportunities to provide
3 regional approaches for meeting park and recreational demand.

4 (9) It is the intent that new or amended elements required after
5 January 1, 2002, be adopted concurrent with the scheduled update
6 provided in RCW 36.70A.130. Requirements to incorporate any such new
7 or amended elements shall be null and void until funds sufficient to
8 cover applicable local government costs are appropriated and
9 distributed by the state at least two years before local government
10 must update comprehensive plans as required in RCW 36.70A.130.

11 **Sec. 2.** RCW 36.70A.090 and 1990 1st ex.s. c 17 s 9 are each
12 amended to read as follows:

13 A comprehensive plan should provide for innovative land use
14 management techniques, including, but not limited to, density bonuses,
15 cluster housing, planned unit developments, zoning for mixed-use
16 development, accessory dwelling units, and the transfer of development
17 rights.

18 **Sec. 3.** RCW 36.70A.110 and 2004 c 206 s 1 are each amended to read
19 as follows:

20 (1) Each county that is required or chooses to plan under RCW
21 36.70A.040 shall designate an urban growth area or areas within which
22 urban growth shall be encouraged and outside of which growth can occur
23 only if it is not urban in nature. Each city that is located in such
24 a county shall be included within an urban growth area. An urban
25 growth area may include more than a single city. An urban growth area
26 may include territory that is located outside of a city only if such
27 territory already is characterized by urban growth whether or not the
28 urban growth area includes a city, or is adjacent to territory already
29 characterized by urban growth, or is a designated new fully contained
30 community as defined by RCW 36.70A.350.

31 (2) Based upon the growth management population projection made for
32 the county by the office of financial management, the county and each
33 city within the county shall include areas and densities sufficient to
34 permit the urban growth that is projected to occur in the county or
35 city for the succeeding twenty-year period, except for those urban
36 growth areas contained totally within a national historical reserve.

1 Each urban growth area shall permit urban densities and shall
2 include greenbelt and open space areas. In the case of urban growth
3 areas contained totally within a national historical reserve, the city
4 may restrict densities, intensities, and forms of urban growth as
5 determined to be necessary and appropriate to protect the physical,
6 cultural, or historic integrity of the reserve. An urban growth area
7 determination may include a reasonable land market supply factor and
8 shall permit a range of urban densities and uses. In determining this
9 market factor, cities and counties may consider local circumstances.
10 Cities and counties have discretion in their comprehensive plans to
11 make many choices about accommodating growth.

12 Within one year of July 1, 1990, each county that as of June 1,
13 1991, was required or chose to plan under RCW 36.70A.040, shall begin
14 consulting with each city located within its boundaries and each city
15 shall propose the location of an urban growth area. Within sixty days
16 of the date the county legislative authority of a county adopts its
17 resolution of intention or of certification by the office of financial
18 management, all other counties that are required or choose to plan
19 under RCW 36.70A.040 shall begin this consultation with each city
20 located within its boundaries. The county shall attempt to reach
21 agreement with each city on the location of an urban growth area within
22 which the city is located. If such an agreement is not reached with
23 each city located within the urban growth area, the county shall
24 justify in writing why it so designated the area an urban growth area.
25 A city may object formally with the department over the designation of
26 the urban growth area within which it is located. Where appropriate,
27 the department shall attempt to resolve the conflicts, including the
28 use of mediation services.

29 (3) Urban growth should be located first in areas already
30 characterized by urban growth that have adequate existing public
31 facility and service capacities to serve such development, second in
32 areas already characterized by urban growth that will be served
33 adequately by a combination of both existing public facilities and
34 services and any additional needed public facilities and services that
35 are provided by either public or private sources, and third in the
36 remaining portions of the urban growth areas. Urban growth may also be
37 located in designated new fully contained communities as defined by RCW
38 36.70A.350.

1 (4) In general, cities are the units of local government most
2 appropriate to provide urban governmental services. In general, it is
3 not appropriate that urban governmental services be extended to or
4 expanded in rural areas except in those limited circumstances shown to
5 be necessary to protect basic public health and safety and the
6 environment and when such services are financially supportable at rural
7 densities and do not permit urban development.

8 (5) On or before October 1, 1993, each county that was initially
9 required to plan under RCW 36.70A.040(1) shall adopt development
10 regulations designating interim urban growth areas under this chapter.
11 Within three years and three months of the date the county legislative
12 authority of a county adopts its resolution of intention or of
13 certification by the office of financial management, all other counties
14 that are required or choose to plan under RCW 36.70A.040 shall adopt
15 development regulations designating interim urban growth areas under
16 this chapter. Adoption of the interim urban growth areas may only
17 occur after public notice; public hearing; and compliance with the
18 state environmental policy act, chapter 43.21C RCW, and RCW 36.70A.110.
19 Such action may be appealed to the appropriate growth management
20 hearings board under RCW 36.70A.280. Final urban growth areas shall be
21 adopted at the time of comprehensive plan adoption under this chapter.

22 (6) Each county shall include designations of urban growth areas in
23 its comprehensive plan.

24 (7) An urban growth area designated in accordance with this section
25 may include within its boundaries urban service areas or potential
26 annexation areas designated for specific cities or towns within the
27 county.

28 (8) It is recognized that within each county, or between two
29 counties, there may be one or more subregional areas where the housing
30 and job markets cross jurisdictional boundaries of two or more adjacent
31 local governments. In these subregional areas, cities and counties may
32 use an optional process to establish a subregion of adjacent cities and
33 counties that would be the basis for ensuring a sufficient amount of
34 housing to meet the needs of the projected population growth and the
35 demands from anticipated commercial and industrial land uses within
36 that subregion. The subregion, through an interlocal agreement under
37 chapter 39.34 RCW, would identify how best to accommodate the projected
38 population growth for those jurisdictions within the subregion. The

1 projected population growth would be established for participating
2 jurisdictions using existing processes to establish the subregion
3 target. The interlocal agreement would identify the adjusted and
4 agreed upon projected population growth for each of the participating
5 jurisdictions.

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